

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

24740  
Refused  
FCM-I

FILE: B-219094

DATE: December 5, 1985

MATTER OF: Michael J. Washenko - Claims for  
Kennel Fees and Repairs to Vehicle

## DIGEST:

1. Pet care expenses incurred by federal employee while on temporary duty are not reimbursable since neither the statute nor the applicable regulations governing the reimbursement of travel expenses authorize payment for such expenses. John A. Maxim, Jr., B-212032, July 6, 1983.
2. This Office does not have jurisdiction to consider the claim of an employee of the Internal Revenue Service for loss and damage to personal property while on official business. Such a claim is for consideration by the head of the employing agency or his designee under the Military Personnel and Civilian Employees Claim Act of 1964, 31 U.S.C. § 3721 (1982), and any settlement of the claim approved by the agency would be final and conclusive.

This decision is in response to a request from Mr. B. Mathews, an authorized certifying officer with the Internal Revenue Service, concerning the claim of Mr. Michael J. Washenko for various expenses he incurred while on temporary duty.

Mr. Washenko, an employee of the Internal Revenue Service stationed in Detroit, Michigan, received final notification on Friday, January 4, 1985, that he was to teach a class in Cincinnati, Ohio, starting Monday, January 7, 1985. Mr. Washenko's wife, also an Internal Revenue employee, was scheduled to be in Cincinnati during the same period. Mr. Washenko states that due to the late notification, he was unable to make arrangements for the care of their cats other than by boarding them with their veterinarian, and he claims \$88 for this expense.

033942

In addition, Mr. Washenko seeks payment of a \$50 deductible claim incurred when his car was broken into in Cincinnati. Mr. Washenko claims he is entitled to reimbursement for this expense because the incident occurred while he was on official business and because he would not have driven to Cincinnati were it not for the late notification. He contends that there was insufficient time to secure an airline flight to Cincinnati at the government rate.

#### VETERINARY EXPENSES

Section 5706 of title 5, United States Code, authorizes the payment of actual and necessary expenses incurred by government employees traveling on official business away from their duty stations. The implementing regulations in Chapter 1, Part 9 of the Federal Travel Regulations, incorp. by ref., 41 C.F.R. § 101-7.003 (FTR), authorize the payment of certain miscellaneous expenses which may be incurred by employees in performance of their duties. In each instance, however, travel expenses must be determined to be "essential to the transacting of official business" under paragraph 1-1.3b of the FTR.

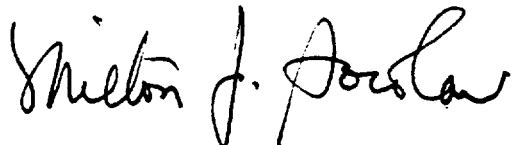
We have held that pet care costs are not reimbursable travel expenses. John A. Maxim, Jr., B-212032, July 6, 1983. Neither 5 U.S.C. § 5706 nor Chapter 1, Part 9 of the FTR authorize the payment of personal expenses such as kennel costs for an employee traveling on official business. While the short notice of his assignment may have left Mr. Washenko no time to find other arrangements for his cats, this fact does not provide a basis for reimbursement in the absence of statutory or regulatory authority.

Mr. Washenko states that he saved the government \$12.17 per day by sharing a hotel room in Cincinnati with his wife (who was also on government business), and he argues that this cost savings justifies the reimbursement of his pet care expenses. There is, however, no basis for applying funds which an employee has saved the government to an unauthorized expense. Nor can Mr. Washenko be reimbursed for the money he saved by sharing the hotel room, since the statute and regulations cited above authorize reimbursement only for expenses which an employee actually incurs. Therefore, Mr. Washenko's claim for reimbursement of veterinary expenses cannot be paid.

LOSS AND DAMAGE OF PERSONAL PROPERTY

Mr. Washenko's claim of \$50 for loss and damage to his personal property is beyond the jurisdiction of this Office. The Military Personnel and Civilian Employees Claims Act of 1964, 31 U.S.C. § 3721 (1982), authorizes the head of an agency or his designee to settle and pay claims by employees of that agency for damage to or loss of personal property incident to their service. Section 3721(k) provides that notwithstanding any other provision of law, the settlement of a claim under this statute is final and conclusive.

Therefore, we have held that this Office has no authority to settle claims under the Act. Any claims made pursuant to the Act may be considered only by the head of the involved agency, or his designee, under regulations prescribed by the agency head, and settlement thereof is final and conclusive. 47 Comp. Gen. 316 (1967). Thus, the portion of Mr. Washenko's claim relating to the damage to his car and loss of personal property can only be settled by the Commissioner of Internal Revenue or his designee.

A handwritten signature in black ink, reading "Milton J. Jordan". The signature is written in a cursive, flowing style.

Acting Comptroller General  
of the United States